

Application No.: 10/614,653
Filing Date: July 7, 2003

REMARKS

By way of summary, Claims 1-20 were originally filed with the application and remain pending. By this amendment, Claims 1-5, 8, 9, and 12-15 have been amended. Of these amended claims, Claims 1-4 and 12-14 are being canceled without prejudice or disclaimer to facilitate expeditious prosecution of this application. No new claim is added. Applicant respectfully requests the Examiner to reconsider the pending claims in view of the above amendments and the following remarks.

Applicant would like to first thank the Examiner for her courtesy in granting Applicant's representative the telephonic interview on January 26, 2009. A summary of the interview is included herewith.

Claim Rejections Based on 35 USC § 102

Claims 1-4 are rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 6,299,590 to Luscher ("Luscher '590"). The amended form of Claim 5 which includes the limitations of Claim 1, recites, among others, a limitation where the opening at the distal end of the needle has a rounded trailing edge. This limitation is not disclosed in Luscher '590. Moreover, Claims 1-4 have been canceled for the sake of expediency. For at least the foregoing reasons, Applicant respectfully requests reconsideration of this rejection.

Claim Rejections Based on 35 USC § 103

The Examiner rejects Claims 2-4 under 35 USC § 103(a) as being unpatentable over Luscher '590. Without commenting on the merits of the rejection, Applicant notes that Claims 2-4 have been canceled for the sake of expediency.

The Examiner rejects Claims 5-7 under 35 USC § 103(a) as being unpatentable over Luscher '590 as applied to Claim 1, in further view of U.S. Patent No. 5,236,443 to Sontag ("Sontag"). Applicant respectfully disagrees that the opening in Figure 2 of Sontag has a round trailing edge. Figures 1 and 2 of Sontag appear to show (and described on column 4, lines 15-21) that the piercing tip of the opening may be rounded to prevent cut or puncture wounds to the operating room personnel. For such a

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purpose, rounding of the trailing edge would not alleviate the danger to the personnel; and thus, such a feature would not be suggested by Sontag. In view of the foregoing, Applicant respectfully submits that Luscher '590 and Sontag, either individually or in combination, fail to disclose the limitations as recited in Claim 5 and its dependent Claims 6 and 7. For at least the foregoing reasons, Applicant respectfully requests reconsideration of this rejection.

The Examiner rejects Claim 8 under 35 USC § 103(a) as being unpatentable over Luscher '590 as applied to Claim 1, in further view of U.S. Patent No. 6,702,786 to Olovson ("Olovson"). As remarked above, Applicant respectfully submits that Luscher '590 and Olovson, either individually or in combination, fail to disclose the limitations as recited in Claim 5 and its dependent Claim 8. For at least the foregoing reasons, Applicant respectfully requests reconsideration of this rejection.

The Examiner rejects Claims 1 and 9-14 under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 4,890,615 to Caspari et al ("Caspari") in view of U.S. Patent No. 5,569,270 to Weng ("Weng"). With respect to Claims 9-11 that depend from the amended form of Claim 5, Applicant respectfully submits that Caspari and Weng, either individually or in combination, fail to disclose the limitations as recited in Claim 5 and therefore its dependent Claims 9-11. Claims 1 and 12-14 have been canceled for the sake of expediency. For at least the foregoing reasons, Applicant respectfully requests reconsideration of this rejection.

The Examiner rejects Claims 15-18 under 35 USC § 103(a) as being unpatentable over Weng in view of U.S. Patent No. 5,350,385 to Christy ("Christy"). The Examiner also rejects Claims 19 and 20 under 35 USC § 103(a) as being unpatentable over Weng in view of Christy, as applied to Claim 15, in further view of Caspari. Applicant respectfully disagrees that Christy teaches the concept of folding a suture over the trailing edge of a beveled needle opening. Claim 15 has been amended to clarify the relative position of the trailing edge. Thus, Applicant respectfully submits that Weng, Christy, and Caspari, either individually or in combination, fail to disclose the limitations as recited in Claim 15 and therefore its dependent Claims 16-20. For at least the foregoing reasons, Applicant respectfully requests reconsideration of these rejections.

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No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Conclusion

In view of the foregoing, Applicant respectfully submits that all pending claims of the present application are in condition for allowance, and such action is earnestly solicited. Should there be any impediment to the prompt allowance of this application that could be resolved through a telephone conference, the Examiner is respectfully requested to call the undersigned at the number shown below.

Respectfully submitted,

Dated: January 27, 2009

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